

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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|-------------------------------------|---|-------------------------|
| HOPE BOLDEN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CASE NO. 2:08-cv-21-MEF |
| |) | |
| MICKI BETH STILLER, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

ORDER

This matter is before the Court on the parties' Joint Stipulation of Dismissal (Doc. # 26), filed June 26, 2008. However, the stipulation fails to comply with CM/ECF Civil Administrative Procedure II.C.3, which states:

In the case of a stipulation or other document to be signed by two or more persons, the following procedure should be used:

Documents requiring signatures of more than one party shall be filed either by submitting *a scanned document containing all necessary signatures or by certifying within the document that all parties have agreed.*

CM/ECF Civil Administrative Procedure II.C.3, *available at* <http://www.almd.uscourts.gov/cmecf/pubs/CivilAdminProc050207.pdf> (emphasis added).

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, a plaintiff may only voluntarily and unilaterally dismiss an action against a defendant prior to the time that defendant files an answer or motion for summary judgment, whichever first occurs. After a defendant files an answer or motion for summary judgment, a plaintiff seeking to dismiss

claims against a defendant must file a stipulation of dismissal *signed by all parties who have appeared in the action*. See Fed. R. Civ. P. 41(a)(1)(ii). Because the stipulation of dismissal must be signed by two or more parties, it must comply with CM/ECF Civil Administrative Procedure II.C.3. This rule requires a party electronically filing a document requiring two or more signatures to submit one of the following: (1) a scanned signature page containing all necessary, hand-written signatures; or (2) all necessary electronic signatures *with a certification that all parties have agreed to have their name electronically signed for them*.

Here, the parties have filed a document containing multiple electronic signatures, but have failed to include a certification that all parties have agreed to have their name electronically signed. Because this fails to comport with the requirements of CM/ECF Civil Administrative Procedure II.C.3, it is ORDERED that:

- (1) The Joint Stipulation of Dismissal (Doc. # 26) is DENIED, with leave to refile;
- (2) On or before **July 9, 2008**, the Plaintiff shall file a Joint Stipulation of Dismissal that complies with CM/ECF Civil Administrative Procedure II.C.3.

DONE this 2nd day of July, 2008.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE